

Introduction

This document sets forth the Federal Energy Regulatory Commission's (FERC) 2016 Plan for promoting transparency, participation and collaboration in all aspects of its mission: to assist consumers in obtaining reliable, efficient and sustainable energy services at a reasonable cost through appropriate regulatory and market means. FERC's Open Government Plan (OGP) has been developed in accordance with the Open Government Plan memorandum issued by the Executive Office of the President, Office of Science and Technology Policy, on July 14, 2016.

New and Expanded Initiatives

Open Data

Facilitating an understanding of how the Commission carries out its responsibilities and maintains public trust is a critical element of the Commission's commitment to organizational excellence. Trust and understanding increase acceptance of FERC decisions and reduce the potential for contentiousness toward FERC rules and regulations, thus enabling the creation and enforcement of policy. The Commission advances this objective by fostering transparency and open communication with respect to the conduct of the Commission's business, thereby increasing awareness and comprehension of the Commission's activities. The Commission furthers this objective by cultivating relationships with sister government agencies and stakeholder groups, and this likewise fosters understanding of Commission procedures and actions. The Commission also promotes a high standard of ethics, which encourages public confidence in the Commission's activities and in its ability to fulfill its responsibilities.

In the next fiscal year, the Commission intends to identify new datasets for publication on its website, to proactively disclose information through the website and other media channels, and to continue to promote collaboration and public engagement with its stakeholders through its extensive outreach activities.

Proactive Disclosures

FERC regularly publishes timely and detailed information on Commission activities on the ferc.gov website. FERC's web page is the primary communication tool, and the main web page was redesigned in order to simplify the media's, the stakeholders' and the general public's access to FERC orders, reports, meeting and hearing schedules, statements and other on-demand information. Links to Commission meeting orders and related background material are promptly provided in order to help the media, stakeholders and the public understand complex matters. FERC's ongoing efforts with information governance are aimed at assisting with categorization

information in order to proactively identify final records of significant public interest for publication.

Privacy

Regarding its privacy policies, FERC provides the public with the various privacy compliance documentation and other related information on the Commission's website at <http://www.ferc.gov/privacy.asp>. The three privacy policies that are publicized include:

- [Web policy](#) - which describes the use of information collected from visitors of ferc.gov.
- [System of Records listing](#) - this provides a comprehensive listing of FERC's current systems of records (SORs) in compliance with the Privacy Act of 1974.
- [Privacy Impact Assessment](#) - this describes the purpose of a privacy impact assessment (PIA) and provides a link to the published PIA for [FERCOnline](#).

Along with its posted website privacy policy, FERC also provides a memorandum which describes the policy and procedures on auditing its compliance. This is found at <http://www.ferc.gov/privacy/auditing-compliance.pdf>.

Whistleblower Protection

To ensure that FERC employees are informed of their rights and remedies under the prohibited personnel practices and whistleblower retaliation protection provisions of Title 5, there is a link to the Office of Special Counsel's (OSC) [Disclosure of Wrongdoing webpage](#) in the footer of all ferc.gov webpages. The link is titled "Whistleblower Protection."

Additionally, FERC's [reporting page](#) for the Notification of Federal Employee Antidiscrimination Retaliation Act of 2002 (No Fear Act), Public Law 107-174 requires Federal agencies to post summary statistics on a quarterly basis during each fiscal year. There is a section dedicated to the Whistleblower Protection Laws which provides direction on filing a complaint.

Websites

FERC's digital government initiatives are publicized at <http://www.ferc.gov/digitalstrategy.asp>.

Open Source Software

The Federal Source Code Policy: Achieving Efficiency, Transparency, and Innovation through Reusable and Open Source Software (M-16-21), published August 8, 2016, is designed to support improved access to custom software code developed for the Federal government. As of the publication of this plan, there were no open source software policies or projects that exist at FERC (1) which code is releasable to the public; (2) the location where code is released to the public; and (3) which code is made broadly available for Federal government re-use.

Spending Information

In support of the Digital Accountability and Transparency Act (DATA ACT), FERC participates in USASpending.gov through the reporting of its contract data by transaction via the Federal Procurement Data System (FPDS). FPDS data feeds into and is displayed in USASpending.gov. FERC continually uses the acquisition data in order to support its Capital Planning and Investment Control decision-making processes and also for internal budgeting purposes.

Ongoing Initiatives

Participation in Transparency Initiatives

In support of the Digital Accountability and Transparency Act (DATA ACT), FERC participates in USASpending.gov through reporting of its contract data by transaction via the Federal Procurement Data System (FPDS). FPDS data feeds into and is displayed in USASpending.gov.

Public Notice

Commission staff is highly interactive and responsive to its stakeholders. It is essential that the Commission staff communicate clearly and concisely with the media so that stakeholders and the public can fully understand the Commission's actions. To that end, Commission staff consistently provides detailed background material on Commission meeting orders in order to help the media, stakeholders and the public understand complex matters, and links to the actual orders are posted to the Commission's web page as promptly as possible after each meeting.

With the Commission's web page being its primary communication tool, staff worked in FY 2014 to improve its usability. Staff analyzed user data and redesigned the main web page to provide simpler access for the media, stakeholders and the public to get direct links to FERC orders, reports, meeting and hearing schedules, statements and other on-demand information.

Communicating with Congress on the Commission's actions also is an important priority, and staff pays particular attention to orders that affect individual members and their constituents, notifying them when significant decisions are made and when milestones are met. Additionally, the Commission responds in a timely and transparent manner to all Congressional inquiries. Finally, communicating with state officials, particularly state regulators, is also a priority for the Commission. Staff continually notifies the appropriate regulators and other state officials of Commission actions that are of interest and frequently offers briefings via conference calls or webinars on major issues.

Through the use of the Commission's e-Library and e-Subscription web pages, the public can obtain extensive information concerning documents both submitted to and issued by the Commission. FERC seeks to ensure that all filings and Off-the-Record Communication (Ex Parte) submitted to and from the Commission are publicly disclosed in a timely and accurate fashion. The Commission continues to make the maintenance and implementation of effective filing procedures a high priority, therefore the timely processing of incoming documents ensures that the information is channeled to Commission staff for prompt review and action. As a result, timely and accurate Commission issuances, such as notices, orders, and major rules, continue to promote the flow of information through all levels of the agency and to all interested parties.

Furthermore, the number of users and followers of the Commission's social media efforts has significantly grown to approximately 20,000 since FY 2011 through Facebook, Twitter and Flickr. In addition to following the Commission's news-related postings, thousands of people and institutions are reposting Commission information to other websites, which further increases exposure and transparency of the Commission's activities. In FY 2014, the Commission began using Flickr to share official photos from FERC's public hearings and other official activities. In FY 2015, the Commission implemented advanced tracking software that will more thoroughly monitor and measure the effectiveness and reach of its social media.

Records Management

FERC continues to demonstrate compliance with Federal Records Management Statutes and Regulations. FERC maintains a comprehensive records management program and has designated the Chief Information Officer as the Record Management Senior Agency Official (SAO) tasked with overseeing this program and the electronic records requirements.

FERC's permanent, valuable records are transferred to the National Archives and Records Administration (NARA) in accordance with FERC's Comprehensive Records Disposition Schedules. NARA becomes the legal custodian of the records once they are accepted by NARA.

FERC complies with mandatory reporting requirements, including submitting the NARA annual records management self-assessment (RMSA), the Senior Agency Official reports as well as ad-hoc reports on request. FERC fully intends to comply with the directive to manage all permanent electronic records electronically by 2019 which was specified in the President's August 24, 2012 Managing Government Records Directive (M-12-18).

Freedom of Information Act (FOIA) Requests

To promote transparency and public confidence in the Commission's programs, Commission staff responds to requests under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Members of the public may obtain nonpublic or privileged information by submitting a FOIA request. FERC's FOIA [Service Center](#) assists with service requests and provides information concerning the status of specific FOIA requests as well as general information about the agency's FOIA response.

The Commission seeks to issue responses to 85 percent of such requests within the statutory time frame of 20 business days, excluding statutory extensions. FERC's FOIA information page may be accessed [here](#).

Congressional Requests

Communicating with Congress on the Commission's actions is also priority, and staff pays particular attention to orders that affect individual members and their constituents, notifying them when significant decisions are made and when milestones are met. Additionally, the Commission responds in a timely and transparent manner to all Congressional inquiries.

Congressional requests for information, briefings or meetings are handled by FERC's Office of External Affairs Government Affairs Division. The [Division of Government Affairs](#) is the Commission's liaison with the Congress and Federal government departments and agencies. It is responsible for developing and maintaining an effective working relationship with the Senate, the House of Representatives, Congressional committees and Committee staff, and Federal government departments and agencies.

Among their many responsibilities, the Division of Government Affairs manages the presentation of the Commission's legislative and budgetary programs before congressional appropriations and authorizing committees, advises and assists Commission members and staff in preparing for appearances before congressional committees, provides information on Commission programs and activities to members of Congress and staff, arranges for formal and informal briefings in response to congressional requests, provides advice and counsel on congressional actions, compiles legislative history, collaborates with other Federal agencies, and ensures that materials are posted at the [Congressional Affairs website](#).

Public Participation

FERC promotes opportunities for public participation in decision-making processes through a variety of avenues throughout the various Commission program offices. First, FERC routinely publishes Notices of Proposed Rulemakings (NOPR) in the [Federal Register](#). These notices detail proposed new regulations and/or reforms to existing rules and seek comment from public comment.

FERC also conducts a range of outreach activities to encourage and, in some instances, require participation from the public and industry. Examples of past and ongoing outreach efforts are detailed below.

Transmission planning: Recognizing the importance of transmission planning, the Commission issued Order No. 1000 which requires public utility transmission providers to collaborate in regional transmission planning and to take steps to encourage participation by all stakeholders in those planning activities. Encouraging greater participation in the regional transmission planning process could result in more efficient and cost-effective transmission solutions.

Compliance: The Commission stresses the importance of having a robust compliance program and the timely implementation of audit recommendations and also continues to discuss trends of noncompliance at industry conferences, meetings, and speaking engagements and in the annual Report on Enforcement. The Commission will continue to engage in formal and informal outreach efforts to promote effective compliance programs and will work to ensure that jurisdictional companies properly implement recommended corrective actions.

Training: The Commission regularly conducts natural gas environmental training seminars in order to provide guidance and insight on the Commission's environmental review process and compliance-related matters. These sessions, which provide an opportunity for open dialogue between Commission staff and stakeholders, are attended by state, local and federal agency officials, natural gas company representatives, construction contractors, and consulting firm staff. These sessions provide information on the filing requirements for environmental reports, the reporting requirements for blanket certificate projects, new regulations, overview of the Commission's baseline construction and mitigation measures, and much more. The seminars are instrumental in developing the understanding of and successful adherence to the Commission-issued certificates and authorizations. In FY 2015, Commission staff conducted four training seminars and participated in several outreach sessions to natural gas companies and federal permitting agencies, addressing the Commission's certificate and environmental review processes. In FY 2017, the Commission proposes to conduct four seminars. In FY 2015, Commission staff compiled Suggested Best Practices for Industry Outreach Programs to Stakeholders with the goal of effectively engaging stakeholders to identify and resolve issues over the entire course of the FERC project review process. The document was developed based on staff experience and on input from natural gas companies with proactive outreach programs.

Native American Tribes: Commission staff has also extended its outreach efforts to Native American tribes to increase their participation in the Commission's environmental review process. In FY 2015, contacts were made with 74 tribes, and meetings were held with six tribes. These included Commission staff's participation in several meetings with the representatives of various Indian tribes in the New England Region interested in the review of natural gas projects. Additionally, Commission staff provided a training seminar attended by tribal representatives and representatives of the natural gas industry entitled "Commission's Section 106 Process and Tribal Consultation for Natural Gas Facilities," and consulted Native American tribes in an effort to update the Commission's Guidelines for Reporting on Cultural Resources Investigations for Pipeline Projects, dated December 2002.

Workshops: In the past several years, Commission staff has held workshops to assist licensees with specific issues. In FY 2015, staff held a Shoreline Management Workshop in Bend, Oregon that was attended by over 90 individuals representing approximately 60 licensees from across the country in order to discuss shoreline uses and management along the reservoirs. Staff also held a recreation workshop in Ontario, California to assist licensees in completing the Commission's Licensed Hydropower Development Recreation Report (Form 80), which tracks recreational amenities and use at hydropower projects, develops recreation plans, monitors use, and ensures public safety at the sites. Additionally, staff has been working with a number of licensees on-site to review recreation plans and compliance. These workshops and site visits also provide an opportunity to discuss innovations and trends in public recreation and to discuss safety of recreation users. Based on the feedback from these workshops and site visits, Commission staff anticipates providing additional recreation and shoreline management workshops and site visits in FY 2017. The Commission also regularly conducts hydropower licensing training sessions to provide guidance on how to obtain a license or exemption and how to effectively participate in the licensing and exemption processes. The sessions are typically attended by prospective licensees, federal and state natural resource agency personnel, Native American tribes, and members of the public, and they cover such topics as what licensing process to use, when to file comments, recommendations for license or exemption conditions, and how to officially intervene in a license or exemption proceeding. In FY 2015, Commission staff conducted outreach sessions with Native American tribes, federal and state agencies, and hydropower industry personnel to prepare for an increasing relicensing workload beginning in FY 2016.

Collaboration

FERC actively pursues collaboration with other Federal and non-Federal governmental agencies, the public, and non-profit and private entities in fulfilling the agency's core mission activities. Most recently, FERC entered into interagency agreements with the DC government in order to supply network technology during the business modernization. FERC's Chief Information Officer (CIO) participates in the Small Agencies CIO Council and is constantly seeking opportunities to share technology initiatives that might benefit other agencies.

Commission staff also holds quarterly conference calls with state energy officials to review developments in natural gas and power markets. Commission staff develops and posts on the Commission website various graphs and charts that provide the public with easy access to market fundamentals. This process provides the public and state regulators access to and understanding of market information that they may not otherwise obtain, and it simultaneously affords the Commission the opportunity to learn of relevant state-level developments.

The Commission is also actively engaged in emerging accounting issues that affect jurisdictional industries such as: the U.S. Securities and Exchange Commission's pending decision that may require U.S. companies to adopt International Financial Reporting Standards; the International Accounting Standards Board's project on Rate Regulated Activities; and the impacts of changes to the natural gas and oil industries related to pipeline integrity management testing requirements imposed by other regulators. The Chief Accountant and other Commission staff also regularly engage in informal meetings with representatives of the regulated industries to discuss relevant accounting topics and Commission actions. Additionally, topics of wide generic interest to the industries are highlighted in the Annual Report on Enforcement in order to better inform them of high risk areas of noncompliance that the Commission addressed in the current fiscal year.

Flagship Initiative

FERC's flagship initiative for 2016 is to migrate a major business application to a cloud-based service solution. FERC uses a suite of hardware and software called e-Library that functions as the system of record for all FERC issued orders, industry filings, and public comments. This system is used by all Commission staff and is the single entry point for the public to access docketed information. The system, which was put into production over ten years ago, is the de facto system of record for FERC and is relied upon by thousands of people. Since its release, millions of documents have been posted and reviewed by Commission employees and public stakeholders. The re-launch of e-Library will provide new search features, records management functionality, as well as performance enhancements which are intended to improve the public's access to this vital data repository.